

# TOWN OF MAHONE BAY

## LAND USE BY-LAW

In effect from 10 June 2008

This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history:

- 1) In effect 10 June 2008 Adopted by Town Council 13 May, reviewed by the Provincial Director of Planning, and duly advertised on 10 June 2008.
- 2) Amended 24 November 2009 At Schedule “A” to change the zoning of the land at 19 Aberdeen Road from Residential to Commercial.
- 3) Amended 2 November 2010 At Clause 4.5.16(e) by increasing to four rooms.
- 4) Amended 23 August 2011 At Clause 5.2.1(b) by including the use of two existing shipping containers for storage.
- 5) Amended 17 April 2013 At section 4.4.4. to describe a dwelling as a main dwelling.
- 6) Amended 17 April 2013 At section 4.5.1 to require a development permit for an accessory structure to be used for human habitation.
- 7) Amended 17 April 2013 At Section 4.5.2, to add requirements for accessory structures that are to be used for human habitation
- 8) Amended 17 April 2013 At Section 4.5.16 delete “ii) and iii)”
- 9) Amended 17 April 2013 At Section 15 DEFINITIONS, add a definition for LOT COVERAGE.
- 10) Amended 7 August 2013 At Section 4.4.16 by-law amendment with respect to farm animals
- 11) Amended 11 March 2014 At Section 13.2 Parking Exemption
- 12) Amended 15 October 2014 At Section 7.3.1 to add and delete permitted uses
- 13) Amended 15 October 2014 At Section 7.3.2 to add a maximum front yard standard
- 14) Amended 15 October 2014 At Section 7.3.4 to reduce the Main Street floor area commercial use requirement to fifty per cent (50%), and to specify no expansion of existing residential uses in this zone

- 15) Amended 27 April 2016 At Section 5.2.1 to establish that *Tourist homes* are permitted in the Residential (R) Zone. At Section 5.2.4 to state the special requirements for *Tourist homes*. At Section 7.2.1 to add *Tourist Establishments*. At Section 7.3.1 to add *Tourist establishments* to the list of permitted uses in the Harbourfront Commercial zone. At Section 7.4 to change tourist accommodation to *tourist establishments* (housekeeping). At Part 15 to amend the definition of Dwelling, to clarify the meaning of *Tourist establishment* and to define *Tourist home*.
- 16) Amended 17 August 2017 To add Pet Grooming as a permitted Small Scale Business Use.
- 17) Amended 17 August 2017 To remove tables listing Development Agreements in Effect and Registered Heritage Properties from the Land Use By-law. Information instead will be available on request from the town instead.

Italicised words are defined in Section 15

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MAPS

Schedule "A" Zoning Map

**PART 1**            **TITLE AND PURPOSE**

- 1.1        This By-law shall be known and may be cited as the Land Use By-law of the Town of Mahone Bay.
- 1.2        The purpose of this by-law is to carry out the purpose and intent of the Municipal Planning Strategy of the Town of Mahone Bay (referred to as the ‘Planning Strategy’), in accordance with the provisions of the Nova Scotia Municipal Government Act (MGA), Chapter 18, Statutes of Nova Scotia 1998, as amended, by regulating the *use* of land and the location, size, spacing, character and *use of buildings and structures* within the Town.
- 1.3        This by-law shall apply to the area of land shown specifically on Schedule "A" consisting of the whole of the Town of Mahone Bay.
- 1.4        This by-law does not exempt any *person* from complying with the requirements of other laws, by-laws or regulations in force within the Town of Mahone Bay or from obtaining any license, permission, permit, authority or approval required thereunder.

**PART 2**            **ADMINISTRATION**

- 2.1        **DEVELOPMENT OFFICER**  
This By-law shall be administered by the Development Officer appointed by the *Council* of the Town of Mahone Bay and the Development Officer shall issue development permits under this By-law.
- 2.2        **ACTING DEVELOPMENT OFFICER**  
In the absence or incapacity of the Development Officer, the acting Development Officer appointed by *Council* shall act in the Development Officer's stead.
- 2.3        **DEVELOPMENT PERMIT REQUIRED**  
The *owner* of a property shall not undertake, or cause or permit to be undertaken, any *development* thereon unless a development permit has been issued therefore by the Development Officer and the permit is in force.
- 2.4        **NO PERMIT REQUIRED**  
Notwithstanding Section 2.3, no development permit is required in relation to a particular *development* when such an exception is clearly stated elsewhere in this By-law.
- 2.5        **APPLICATION AND FEE**  
Every *developer* wishing to obtain a development permit shall submit an application for such development permit to the Development Officer in the form prescribed from time to time by *Council* and accompanied by the required fee set from time to time by *Council*.
- 2.6        **CONTENTS OF APPLICATIONS**  
Every application for a development permit shall be accompanied by a plan drawn to an appropriate scale and showing:

- a) the true shape and dimension of the lot to be used or upon which it is proposed to construct or locate any *structure*;
- b) the proposed location, *height* and dimensions of any *structure* in respect of which the permit is applied for and the location information shall include measurements of the lot *frontage*, front, side and rear *yards*;
- c) the location of every *structure* already constructed, or partly constructed, on such lot and the location of every *building* or *structure* on abutting lots;
- d) the proposed location and dimensions of parking areas, *parking spaces*, loading spaces, driveway accesses, curbs, landscaping and fencing;
- e) the location of every brook, stream, pond, lake, swamp, bog or other watercourse on or abutting the lot; and
- f) other such information as may be necessary to determine whether or not the proposed *development* conforms with the requirements of this By-law.

## 2.7 SURVEY OF LANDS

Where the Development Officer is unable to determine whether the proposed *development* conforms to this by-law and other by-laws and regulations in force which affect the proposed *development*, the Development Officer may require that the plans submitted under Section 2.6 be based upon a survey plan prepared by a Nova Scotia Land Surveyor.

## 2.8 CONTENTS OF APPLICATION

The application shall be signed by the *owner* of the lot, or by his agent, and shall set forth in detail the current and proposed *use* of the lot and each *building* or *structure*, or part thereof, together with all information necessary to determine whether or not the proposed development conforms with the requirements of this by-law.

## 2.9 RIGHT OF ENTRY

In accordance with Sections 267 and 503 of the *Municipal Government Act*, the Development Officer may enter at all reasonable times into or upon any property within the area to which this Land Use By-law applies for the purpose of any inspection necessary in connection with the administration of the Land Use By-law.

## 2.10 ISSUANCE OF DEVELOPMENT PERMIT

No development permit shall be issued by the Development Officer unless the proposed *development* meets the requirements of the Land Use By-law, the terms of a development agreement or the requirements of an approved site plan as provided for by the *Municipal Government Act*.

## 2.11 DEVIATIONS

No *developer* shall deviate, or allow deviations to be made, from the description of the proposed *development* which is contained in the development permit, unless the *developer* has obtained a New development permit or an amended development permit from the Development Officer.

**2.12 LAPSE OF PERMITS**

Every development permit issued under this By-law and every development permit issued under any previous Land Use By-law shall automatically lapse, and become null and void, if the *development* to which it relates has not commenced and eighteen months have passed since its issuance.

**2.13 AMEND OR RE-ISSUE**

When so requested by the *developer*, the Development Officer may make minor amendments to or may re-issue a development permit which has not lapsed by making an appropriate notation thereon provided that the amended or re-issued permit conforms with the Land Use By-law requirements in effect on the date of the minor amendment or re-issuance.

**2.14 REVOCATION OF PERMITS**

The Development Officer may revoke any development permit issued under this Land Use By-law or any previous Land Use By-law where:

- a) the requirements of the permit are not met; or
- b) the issuance of the permit was based on incorrect information; or
- c) the permit was issued in error

**2.15 DECISION IN WRITING**

Any decision of the Development Officer to refuse issuance of a development permit shall be given by written notice served by ordinary mail whereas any decision to revoke a development permit shall be given by written notice served by any method in which proof of delivery is provided and the revocation shall become effective upon the delivery of such notice.

**2.16 VIOLATIONS**

In the event of any alleged contravention of the provisions of this By-law, the Town of Mahone Bay may take action as outlined in Sections 266, 505, 506 and 508 of the Municipal Government Act, as amended from time to time.

**2.17 EFFECTIVE DATE**

This By-law shall take effect upon publication of a notice in the newspaper as required by the Municipal Government Act whereupon any applicable previous Land Use By-law is automatically repealed.

**2.18 NOTICE OF AMENDMENT OR AGREEMENT**

Where the *Council* has given notice of its intention to adopt an amendment to Schedule "A", (Zoning Map) which is not general in scope but which is in direct response to a specific *development* proposal, or has given notice of its intention either to enter into a development agreement or to amend a development agreement, the *Council* shall serve notice of the proposed amendment or development agreement upon assessed property *owners* whose property lies within 30 metres (98 ft..) of the property which is the subject of the proposed amendment or development agreement. Such notice shall:

- (a) set forth a synopsis of the proposed amendment or development agreement;
- (b) state the date, time, and place set for the public hearing on the amendment or development agreement;
- (c) be served by ordinary mail; and
- (d) be sent to the address or addresses maintained in the assessment list.

A notice containing the same information shall also be posted on the property which is the subject of the proposed amendment or development agreement.

**2.19 COST OF ADVERTISING, NOTICE, AND REGISTRATION**

An applicant for an amendment to this By-law or for a development agreement or an amendment thereto shall deposit with the Clerk of the Town of Mahone Bay an amount estimated by the Clerk to be sufficient to pay the cost of advertising and notices required by the Municipal Government Act and, after the advertising has been completed, the applicant shall pay to the Clerk any additional amount required to defray the cost of advertising, notices, and filing at the Registry of Deeds or, if there is a surplus, the Clerk shall refund it to the applicant.

**2.20 NOTICE OF VARIANCE OR SITE PLAN APPROVAL**

Where a variance from the requirements of this by-law has been granted or refused, or a site plan approval has been granted or refused, the Development Officer shall give notice to the *persons* entitled, and in the manner prescribed by Sections 232-237 of the Municipal Government Act, such notice to be served by ordinary mail. Specifically, the Development Officer shall serve notice of the minor variance or site plan approval upon assessed property *owners* whose property lies within 30 metres (98 feet) of the property which is the subject of the proposed site plan or variance and such notice shall:

- a) describe the variance or site plan approval;
- b) identify the property where the variance or site plan approval is granted;
- c) set out the right to appeal the variance or site plan approval to the *Council*; and
- d) be sent to the address or addresses maintained in the assessment list; and
- e) be posted on the property which is the subject of the proposed variance or site plan approval.

**2.21 COST OF NOTICE OF VARIANCE OR SITE PLAN APPROVAL**

The Town of Mahone Bay may recover from the applicant the cost of giving notices referred to in Subsection 2.20.

**2.22 APPLICATION FEES**

An application for a development permit, a development agreement, an amendment to the Land Use By-law or the Municipal Planning Strategy, a site plan, or a variance, shall be accompanied by the fees prescribed by *Council* from time to time.



**PART 3 INTERPRETATION OF ZONES, MAPS, SYMBOLS AND WORDS**

**3.1 ZONES**

For the purposes of this By-law, the Town of Mahone Bay is divided into the following *zones*, the boundaries of which are shown on the attached Schedule "A", titled "Zoning Map", which forms part of this By-law and on which these *zones* are also referred to by symbols as follows:

Residential	R
Residential Unserviced	RU
Commercial	C
Harbourfront Commercial	HC
Restricted Commercial	RC
Commercial Shoreline	CS
Industrial	ID
Institutional	IN
Park	P
Open Shoreline	OS

**3.2 REFERENCES ARE INCLUSIVE**

In this by-law, reference to a *zone* is deemed to include reference to the permitted *uses*, special requirements, and regulations of that particular *zone*.

**3.3 INTERPRETATION OF ZONE BOUNDARIES**

The boundaries of *zones* shall be as shown on Schedule "A" and shall be more precisely located as follows:

- a) where a *zone* boundary is shown within the boundaries of a street or highway the boundary shall be the centre line of such street or highway as shown;
- b) where a *zone* boundary approximately follows property lines the boundary shall follow such property lines;
- c) where a street, highway or watercourse is shown on Schedule "A" it shall, unless otherwise indicated, be included in the *zone* of the adjoining property on either side thereof;
- d) Subject to clause (e) below, where an electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different *zones*, a line midway on such right-of-way or watercourse and extending in the general direction of the long

axis thereof shall be considered the boundary between *zones* unless specifically indicated otherwise;

- e) where a *zone* boundary is indicated as following the shoreline of a harbour the boundary shall follow the actual Mean High Water line including wharves, piers, breakwaters and infilling; and where the *zone* boundary is indicated as extending seaward of the Mean High Water Line, the *zone* boundary shall follow the actual Mean High Water Line included between the extensions shown on the Zoning Map; and
- f) where none of these above provisions apply, and where appropriate, the *zone* boundary shall be scaled from the attached Schedule "A".

### 3.4 INTERPRETATION OF CERTAIN WORDS

In this By-law, words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular; and the word "used" includes "arranged", "designed or intended to be used"; the word "shall" is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined in Part 15 of this By-law, titled 'Definitions'.

### 3.5 STANDARDS OF MEASUREMENT

The metric system of measurement is used throughout this By-law and in all cases represents the required standard. Imperial measurements are approximate and for convenience only, and are not to be regarded as precise.

**PART 4**            **GENERAL PROVISIONS FOR ALL ZONES**

**4.1**        **APPLICATION**

The provisions of Part 4 General Provisions for All Zones shall apply to all *zones* and prevail over all *zone* requirements except where a *zone* requirement expressly waives a specific section or specific sections of Part 4.

**4.2**        **PARKING AND LOADING**

Parking and loading areas shall be provided in accordance with the applicable requirements of Parts 12 and 13 of this by-law.

**4.3**        **SIGNS**

All *signs* shall be subject to the applicable requirements of Part 14 of this by-law.

**4.4**        **RESTRICTIONS AND PROHIBITIONS**

**4.4.1**     **Permitted Uses - Prohibited Uses**

For the purposes of this by-law, if a *development* is not listed as permitted in any *zone* or if it is not accessory to a permitted *development* in a particular *zone*, it shall be deemed to be prohibited in that *zone*, subject to the non-conforming use provisions of the Municipal Government Act.

**4.4.2**     **Structure To Be Moved**

No *structure*, residential or otherwise shall be moved within or into the area covered by this by-law without obtaining a development permit from the Development Officer.

**4.4.3**     **Watercourse Protection**

- .1        No *structure* shall be built within 8 Metres (26 feet) of the protected watercourses shown on Municipal Planning Strategy Map 1.
- .2        Within 8 Metres (26 feet) of these watercourses, no *person* shall alter land levels in relation to a *development*.
- .3        The Development Officer may grant a variance from the restrictions in subsections (.1) and (.2) above, and for such purposes the intent of this section of the By-law, in accordance with the Planning Strategy, is :
  - a)        To prevent degradation of the water table recharge areas and flood plains, which would interfere with their functions of allowing water to enter into the ground, and providing for flood damage reduction both on the site and downstream;
  - b)        To prevent the degradation of the natural habitat for plants and animals in and near the watercourses;
  - c)        To allow for the stabilizing and maintenance of an *existing structure*; and
  - d)        To allow the Development Officer to consult with the appropriate Provincial authority having jurisdiction on the proposed *development* and any accompanying infilling.

**4.4.4 One Dwelling Per Minimum Size Lot**

More than one main *dwelling* may be built on a lot only where the lot has sufficient area and *frontage* to enable the lot to be subdivided into two or more lots which meet all applicable *zone* requirements and where the *dwellings* are located on the lot in such a way that new lots may be created around them which meet all applicable area, setback, *yard*, and *frontage* or highway access requirements.

**4.4.5 Existing Uses**

Land *uses* which existed on the effective date of this by-law, and which would not otherwise be permitted in the *zone* shall be shown in the list of *uses* permitted in the *zone*, but shall not be changed to another *use* not permitted in the *zone* or expanded except by development agreement in accordance with Municipal Planning Strategy Policy 4.11.14

**4.4.6 Residential Conversions**

Where permitted in this by-law, conversion of *buildings* to *dwellings* containing one or more *dwelling* units shall be subject to the following requirements:

- a) each *dwelling* unit shall be self-contained and shall have separate cooking and sanitary facilities;
- b) off-street *parking space* shall be provided according to the requirements of Part 13;
- c) the maximum number of *dwelling* units per lot shall be four (4); and
- d) each *dwelling* unit shall have a minimum of 93 sq. metres (1,000 sq. ft.) of lot area.

**4.4.7 Illumination**

Outdoor lighting fixtures, including illuminated *signs*, shall use the lowest possible intensity consistent with safety, shall use fixtures which eliminate glare and in particular shall not project any glare or direct illumination onto adjacent properties.

**4.4.8 Wind Turbines**

- .1 Wind turbines having a production capacity greater than 0.01 megawatts (10 kilowatts) are prohibited.
- .2 Wind turbines having a production capacity of 0.01 megawatts (10 kilowatts) or less are permitted in any *zone* subject to the following requirements:
  - a) Maximum tower *height* 30 metres (100 feet);
  - b) Minimum distance from the tower to adjacent property lines and all residences is 2.5 times the maximum *height* of the *structure* (including rotor blades);
  - c) the lower 3 metres (10 feet) of the tower and all supports must be secured so as to prevent climbing by unauthorised people; and
  - d) the sound level generated by the installation must not exceed the ambient sound level by more than 3dB(A) measured at the nearest property line under any normal operating condition, and the application for a Development Permit must include sufficient information to determine that the installation will achieve this standard.

**4.4.9 Telecommunications Towers**

No *person* shall construct or use any telecommunications tower or antenna any part of which is more than 14 metres (45 feet) above the ground surface.

**4.4.10 Architectural Control Areas**

.1 New Structures

Within areas designated as Architectural Control Areas on Map 2, the Land Use Designation Map of the Municipal Planning Strategy all *structures* shall be similar to pre-1919 *structures* within Mahone Bay, with respect to:

- (a) *building* length to width ratio;
- (b) *height*;
- (c) architectural style;
- (d) roof style;
- (e) the appearance of exterior cladding and roofing materials;
- (f) architectural details and trim;
- (g) the shape and size of porches, doors and windows;
- (h) the window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

.2 Additions and Alterations to Established Structures

As an exception to the requirements of paragraph 4.4.10 above, alterations to a *public facade* of a pre-1919 *structure* within the Designated Architectural Control Area shall maintain the established character of the *building* and shall be both similar to and consistent with the *existing* elements set out in Subsection 4.4.10.1 (c) to (i) above, unless such change is intended to restore the pre-1919 character as documented by photographs, sketches, or written descriptions or measurements. Alterations to the *public facade* of a post-1919 *structure* shall maintain the established character of the *building* and shall be both similar to and consistent with the *existing* elements set out in Subsection 4.4.10.1 (c) to (i) above, unless such change is intended to create a pre-1919 character in these elements.

.3 Small Accessory Structures

Construction and alterations of *accessory structures* of less than 20 sq. metres (216 square feet) need not satisfy the requirements of paragraphs 4.4.10.1 and 4.4.10.2 above.

**4.4.11 Habitation of Vehicles**

No automobile, truck, bus, coach, street car, recreational vehicle, trailer, camper, or other motor vehicle or part thereof, with or without wheels, and no shipping container shall be used for human habitation or for commercial occupancy except in accordance with Sections 4.4.12 and 4.5.6 below.

**4.4.12 Exception to Habitation of Vehicles**

Despite the provisions of Section 4.4.11(Habitation of Vehicles), recreational vehicles or campers may be used for human habitation provided that:

- (a) such vehicle is not directly connected to Town services (i.e., sewer, water or power);
- (b) such *use* does not extend for longer than a thirty-day period within any calendar year; and
- (c) such *use* occurs only on a property with an established main *dwelling*.

**4.4.13 Storage in Vehicles**

No automobile, truck, bus, coach, street car, recreational vehicle, trailer, camper, or other motor vehicle or part thereof, with or without wheels, and no shipping container, shall be used for the purpose of storage or shelter of goods of any description on an ongoing basis.

**4.4.14 Multiple Land Use**

Where any lot is to be *used* for more than one purpose, all provisions of this by-law relating to each *use* shall be satisfied. Where there is any conflict, as in the case of lot size or lot *frontage*, the more stringent standard shall prevail.

**4.4.15 Multiple Uses In A Building**

Where any main *building* is to be used for more than one purpose and applicable *zone* requirements are in conflict, the more restrictive *zone* requirements shall apply.

**4.4.16 Farm Animals**

No lot in any *zone* shall be used for the rearing or keeping of a *farm animal*, except that a maximum of six (6) laying hens and one (1) rabbit may be reared or kept on a lot in the Residential Unserviced (RU) Zone subject to the following requirements:

- a) The minimum lot area for the keeping of laying hens and rabbits shall be 3716.1 sq. m (40,000 square feet);
- b) Laying hens and rabbits shall be confined using a structure or enclosure subject to the requirements of 4.4.16(c);
- c) No development permit shall be issued for any structure or enclosure to be used for the shelter, confinement or keeping of laying hens or rabbits within 8 metres (26 feet) of the boundary of an abutting lot;
- d) No lot on which laying hens or rabbits are reared or kept shall be used for the sale of animal products.

**4.4.17 Corner Vision Triangle**

On a *corner lot* or lot abutting the entrance or exit to a public *parking lot*, a fence, *sign*, hedge, shrub, bush or tree or any other *structure* or vegetation shall not be constructed or permitted to grow to a *height* greater than 0.6 metres (2 ft.) above *grade* of the streets that abut the lot within the *corner vision triangle*.

**4.4.18 Parking of Commercial Motor Vehicles**

No more than two (2) commercial motor vehicles shall be operated from a lot in any Residential (R) zone and these vehicles shall be operated by the occupant of the lot.

**4.4.19 Wood Furnaces**

In addition to the requirements of 4.5.2 (*Accessory Structures*), outdoor wood furnaces shall:

- a) be located a minimum of 45 metres (150 feet) from any lot line and 90 metres (300 feet) from *dwellings* on adjacent lots;
- b) be kept locked when unattended; and
- c) not have a chimney *height* lower than the eaves of the *building* which it serves, but in any case not lower than 5 metres (16 feet), regardless of the provisions of Section 4.5.14 (*Height Regulations*).

## 4.5 WAIVERS AND EXEMPTIONS

### 4.5.1 Accessory Uses

No development permit shall be required for any *use* which is accessory to a permitted *use*, except where an *accessory structure* is to be used for human habitation.

### 4.5.2 Accessory Structures

*Accessory structures* shall be permitted in any *zone* but:

- a) shall not be built closer than 1.2 metres (4 feet) to any rear or side lot line except that:
  - i) common semi-detached garages may be centred on the mutual side lot line; and
  - ii) accessory *buildings* with no windows or perforations on the side of the *building* which faces the said lot line, may be located a minimum of 0.6 metres (2 feet) from the said lot line; and
  - iii) with the consent of the property *owner* below the high water mark, fishing gear sheds, boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge;
- b) shall not be located or built within 1.5 metres (5 feet) of the main *building*, except that a fence or wall may join an *accessory structure* with a main *building*; and
- c) shall not exceed the *height* of the main *building* or a gross floor area of 70 square metres (750 square feet) except in an Industrial (ID) zone.
- d) shall not exceed a lot coverage for all accessory for all accessory structures of 10% of the lot area; and
- e) when used for human habitation, shall meet the following additional requirements:
  - i) The total number of residential units on the lot (*main building* and *accessory structure*) shall not exceed four;
  - ii) The use shall meet all requirements for access and parking in the zone and such access and parking shall be buffered from adjacent properties;
  - iii) Windows and other perforations shall not be located on any elevations closer than 3.5 metres from any adjacent lot;
  - iv) In the architectural control area, *accessory structures* shall meet the design requirements of paragraph 4.4.10;
  - v) No *sign* shall be permitted other than that which is permitted in the zone;
  - vi) The *accessory structure* shall meet all provisions of the National Building Code for human habitation, shall meet the provisions of paragraph 4.4.11 in the *Land Use By-law* regarding habitation of vehicles, and not be a mobile home as defined in paragraph 15.44 of the *Land Use By-law*;
  - vii) All small scale business uses shall meet the requirements of paragraph 4.5.16 of the *Land Use By-law*;

- viii) The accessory structure shall conform to R Zone standards for *single-unit dwellings* with the exception of maximum *height*, which shall be 8 metres (26ft.);
- ix) The minimum lot area shall be 325 square metres (3,500 sq. ft.) per unit.”

**4.5.3 Minor Accessory Structures**

No development permit shall be required for miscellaneous minor *accessory structures* such as, by way of example but not to limit the generality of the foregoing: retaining walls; children's play *structures*; cold frames; garden trellises; clothes line poles; pet houses; monuments; and interpretive displays.

**4.5.4 Fences**

- .1 Fences 2 metres (6 feet) or less in *height* are minor *accessory structures* for which no development permit is required.
- .2 Fences greater than 2 metres (6 feet) in *height* but less than 3 metres (10 feet) in *height* are *accessory structures* subject to the requirements of Subsection 4.5.2 (*accessory structures*).
- .3 Fences 3 metres (10 feet) or greater in *height* are *structures* subject to the applicable *yard* requirements of the *zone* in which they are located.

**4.5.5 Private Storage**

Where there is no other main *building* on the lot, *private storage buildings*, including but not limited to private garages, private *boathouses*, and fishing gear sheds, shall be permitted in any *zone* except the Open Shoreline (OS) Zone, provided that the provisions of Section 4.5.2 (*Accessory Structure*) of this by-law are satisfied as if the *private storage building* were regarded as an *accessory structure*.

**4.5.6 Construction Accessories**

Nothing in this by-law shall prevent the *use* of land or the *use* or construction of temporary *structures* incidental to construction, such as but not limited to, a construction camp, tool shed, scaffold, sales *office* or rental *office* incidental to construction and no development permit for such temporary *uses* or *structures* shall be required, provided that a development permit for the main *structure* under construction has been issued and the temporary *use* or *structure* is on the same lot as the main *structure*. Such temporary *use* shall be terminated no more than sixty (60) days after the completion of the construction of the main *structure*.

**4.5.7 Special Occasions**

- .1 Nothing in this by-law shall prevent the *use* of land or the construction of temporary *buildings*, *structures* or *signs* for special occasions and holidays not to exceed two weeks in duration and no development permit shall be required for such temporary *uses*, provided that such *uses* or *structures* remain in place for no more than seven (7) days following the termination of the special occasion or holiday.
- .2 Nothing in this by-law shall prevent the *use* of land, the *use* of *structures*, or the construction of *signs* during and for the purposes of municipal, provincial or federal election campaigns provided such *uses* are terminated and such *signs* are removed within seven (7) days following the election.

**4.5.8 Yard Sales**

Nothing in this by-law shall prevent retail sales events accessory to residential *uses* provided that:



- (a) articles for sale shall include only the tangible personal property of the residents conducting the sale;
- (b) there shall be no more than four such retail sales events on any property during each year;
- (c) no such retail sales event shall last longer than four consecutive days; and
- (d) retail sales shall be conducted only during daylight hours between sunrise and sunset.

**4.5.9 Uses Permitted In All Zones**

*Public streets, utility facilities, parks and playgrounds shall be permitted in any zone.*

**4.5.10 Lots Lacking Minimum Area Or Frontage**

Notwithstanding minimum lot area and *frontage* requirements established elsewhere in this By-law, a lot which does not satisfy these minimum requirements for lot area, lot *frontage*, or both may be used for a purpose permitted in the *zone* in which the lot is located, and a *structure* may be constructed on the lot, provided that all other applicable provisions of this By-law except for the minimum lot area and *frontage* requirement, are satisfied and the lot satisfies one or more of the following requirements:

- a) The lot was in existence on or before 16 April, 1987 (see Municipal Government Act Section 291);  
or
- b) The lot has been created after 16 April, 1987 through subdivision approval under any provision of the Subdivision By-law or by any division of land for which subdivision approval is not required; or
- c) The lot has access by means of a right-of-way no less than 6 metres (20 feet) wide.

**4.5.11 Conformity with Existing Setbacks**

Notwithstanding setback requirements established elsewhere in this by-law, a *building* to be constructed between *existing buildings*, may be built with a front *yard* equal to or greater than the average front *yard* of any immediately adjacent *buildings* on either side, provided that the proposed *building* shall not be less than 1.5 metres (5 feet) from the front lot line and further provided that the immediately adjacent *buildings* are within 60 metres (200 feet) of the *building* to be constructed.

**4.5.12 Existing Structures**

Where a *structure* which is not a *sign* has been constructed with less than the minimum *yard* or other open space required by this by-law or on a lot having less than the minimum area or *frontage*, the *structure* may be used as permitted in the *zone* in which the *structure* is located and, provided that the application for a *development* permit is supported by a location certificate or survey plan showing the *structure* in relation to the boundaries of the property, the *structure* may be:

- a) enlarged, *reconstructed*, *repaired*, renovated, or *replaced* by a new *structure*, provided that the *structure* shall not thereby be permitted to extend or increase any *existing* encroachment into the minimum front, flankage, side or rear *yard* required in that *zone* except by the operation of Subsection 4.5.18 (Variance); and
- b) relocated, provided no encroachment into the minimum front, flankage side, or rear *yard* required in that *zone* shall be permitted except by the operation of Subsection 4.5.18 (Variance).

**4.5.13 Restoration to a Safe Condition**

Nothing in this by-law shall prevent the strengthening or restoring to a safe condition of any *structure*, provided in the case of a non-conforming *use* the provisions of the Municipal Government Act shall prevail.

**4.5.14 Height Regulations**

The *height* regulations of this by-law shall not apply to spires on a *church*, public utility water tanks, flagpoles, or chimneys.

**4.5.15 Awnings**

An awning may be permitted to overhang a *public street* but shall not:

- (a) project over a *Public street* beyond the curb line or edge of the travelled way; or
- (b) project over a *Public street* below a *height* of 2.5 metres (8 feet) above *grade*.

**4.5.16 Small Scale Business Uses Permitted**

In all *zones*, any lot *used* for residential purposes may be *used* for small scale business purposes provided that all of the following requirements are satisfied:

- a) the business shall be located in a single-unit *dwelling* or in an accessory *building* on the same lot as the residential *use*;
- b) the *owner* of the business shall live in the main residence on the property;
- c) subject to limitations on the *uses* permitted in particular *zones* as specified elsewhere in this Bylaw, the business *use* shall fall within one of the following types of *uses*:
  - i) *Offices*
  - ii) *Boarding or Rooming Houses*
  - iii) *Craft workshops*
  - iv) *Guest houses* subject to Clause (xii) below
  - v) *Personal service shops*
  - vi) *Studios* for the practice or instruction of fine arts or *crafts*
  - vii) *Repair Shops*, excluding small engine *repair*
  - viii) *Residential Day care centres*
  - ix) *Taxicab Operations*
  - x) *Catering*
  - xi) *Pet Grooming*;
- d) retail sales shall be limited to: the sale of products made, assembled, refinished, or *repaired* on the premises; and the sale of any goods or materials used in any of the processes involved in the primary business *use*;
- e) the business *use* shall occupy a total of no more than 46 sq. m. (500 sq. ft.) or 25 percent of the floor area of the *dwelling*, whichever is less, except for *Guest houses* and boarding houses, where the maximum size of the business shall be four (4) rooms.

- f) one (1) off-street *parking space* shall be provided for every 23 square metres (250 sq. ft.) of gross floor area occupied by the business, in addition to the space required for the residence itself;
- g) *signs* shall not be illuminated and shall satisfy Subsection 14.2.7 (*Commercial Signs*);
- h) the *use* shall not emit noise, odour, dust, light, or radiation that would be a nuisance or is uncustomary in a residential neighbourhood and, on the lot, there shall be no *open storage* or *outdoor display* of materials or products related to the business *use*;
- i) no more than two (2) commercial vehicles including taxicabs related to the business *use* shall be kept upon or operated from the lot on which the business is located;
- j) the *use* shall not include an animal shelter, animal hospital, or the commercial breeding or boarding of animals;
- k) the exterior appearance of the *building* is not substantially altered; and
- l) *Guest houses* shall conform to the following requirements
  - (i) no more than two (2) double-occupancy rental rooms are available in an *accessory structure*; and
  - (ii) an *accessory structure* used as part of a *guest house* shall not be considered to be a main *building* on the property; and
  - (iii) exterior additions to *accessory structures* may increase the total floor area of the *building* by no more than 10%.
- m) *Pet Grooming* shall conform to the following requirements
  - (i) No outside area shall be devoted to or used as part of the business, this includes kennels, fenced areas or any other outdoor space
  - (ii) Pet Grooming specifically excludes boarding or breeding of animals, including the temporary accommodation of animals or pets for financial compensation

#### 4.5.17 **Common Lot Line**

Adjoining *buildings* which are structurally attached to each other in accordance with the Fire Code and the National Building Code may be built to the common lot line.

#### 4.5.18 **Variance From Minimum Requirements**

In accordance with the Planning Strategy, the Development Officer may grant a variance from the requirements of this by-law for the number of parking or loading spaces required, the *ground area* and *height* of a *structure*, the floor area occupied by a home-based business, and the *height* and area of a *sign*. In accordance with the provisions of Section 235 of the MGA the Development Officer may grant a variance from the requirements of this By-law for the percentage of land that may be built upon, size or other requirements relating to *yards*, lot

area, and lot *frontage*. In considering these variances, the intent of the Land Use By-law is to carry out the policies expressed in the Planning Strategy.

#### 4.5.19 Site Plans

Where listed as a permitted *use* within a *zone*, the specified *developments* may be allowed through the site planning process in accordance with Municipal Planning Strategy Policy 6.2.6, subject to the following conditions, in addition to all other applicable requirements of this by-law:

- a) approval by the authority having jurisdiction for sewage disposal either by an on-site sewage disposal system, or by connection to the Town central sewer, or by connection to a sewage disposal system satisfying the design and construction requirements of the Town Specifications adopted by *Council*;
- b) where there are more than three (3) *dwellings* using a road for access to a public highway, the design of the road satisfies the requirements of the Town Specifications;
- c) approval by the Town Engineer for access to any *public street*, considering adequacy of sight distances, driveway entrances, traffic safety, and any other traffic concerns, including pedestrian safety;
- d) a density of no more than 15 *dwelling* units per hectare (6 per acre) on the site;
- e) approval by the Development Officer of a site plan, where the following matters are addressed:
  - i) new *buildings* and additions to *existing buildings* shall be located within the permissible *building* envelope with optimum separations from *development* on adjacent lots, while conforming with the current and historical streetscape, and no less than 8 metres (26 feet) from any watercourse (as defined by the *Environment Act*);
  - ii) any new *building* with a footprint (ground floor area) greater than 1500 sq. ft. shall have varied massing comprised of a main *building* form with added wings, ells, porches, etc., joined to the main *building* form under varied roof lines. The composition of these features shall have the effect of breaking up the overall visual mass of the *building* into smaller components, reducing apparent bulk, adding visual interest, and creating an intimate scale;
  - iii) vegetation on the site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive areas such as watercourses and steep slopes, except where its removal is essential for construction of the *development*;
  - iv) landscaping consisting of a combination of trees, shrubs, plants or grass shall be provided, or retained as found on the site, in the front, side and rear *yards*, exclusive of parking, driveways and pedestrian walkways, and a minimum of 25% of the total land area shall be so landscaped;

- v) parking areas shall be designed with pedestrian walkways to facilitate safe access between *building(s)* and vehicle parking and maneuvering areas;
- vi) driveways, parking areas, and any outside storage areas shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties;=
- vii) parking areas and any outside storage areas shall be screened from adjacent properties and from the *public street* by a fence at least four feet high or an equivalent combination of berms or landscaping;
- viii) measures including lot grading shall be shown to adequately dispose of storm and surface water;
- ix) other than the minimum infilling required for construction of wharves and bridges, land levels within 8 metres (26 feet) of any watercourse (as defined by the *Environment Act*) shall not be altered by the filling in of land to a depth greater than 0.3 metres (one foot) above the natural ground surface unless a variance has been issued under Section 4.4.3 and 4.5.17;
- x) outdoor lighting fixtures shall be identified on the plan, shall use the lowest possible wattage consistent with safety, shall use fixtures which eliminate glare and in particular shall not project any glare or direct illumination onto adjacent properties;
- xi) all *buildings* and all other *structures*, lawns, trees, shrubs, parking areas, lighting systems, and other landscaping elements shall be maintained in a tidy, attractive and useable state free of unkempt matter of any kind; and the *development* shall not generate emissions such as noise, dust, radiation, odours, liquids, or light to the air, water, or ground so as to create a recognized health or safety hazard, or to create a nuisance to the adjacent properties;
- xii) the *development* provides adequate fire vehicle access and adequate on-site fire protection measures such as water supply; and
- xiii) the applicant shall enter into a written undertaking to carry out the terms of the site plan.

**PART 5            RESIDENTIAL (R) ZONE**

**5.1        GENERAL REQUIREMENTS FOR RESIDENTIAL ZONES**

**5.1.1    Application**

The provisions of this part shall apply to the Residential (R) zone and other *zones* as specified in this by-law.

**5.1.2    Commercial Vehicles**

No more than two (2) commercial motor vehicles shall be operated from a lot in any Residential (R) zone and these vehicles shall be operated by none other than an occupant of the lot.

**5.2        RESIDENTIAL (R) ZONE**

**5.2.1    Permitted Developments**

a)        Developments Permitted subject to R Zone Standards

- i)        Single Unit *Dwellings*
- ii)       Two Unit *Dwellings*
- iii)      *Parks*, playgrounds and open spaces

b)        Existing Land Uses Permitted Subject to R Zone Standards

multi-unit residential	144 Main St.
multi-unit residential	150 Main St.
multi-unit residential	350 Main St.
multi-unit residential	33 Cherry Lane
multi-unit residential	35 Cherry Lane
multi-unit residential	19 Orchard St.
multi-unit residential	68 Spruce St.
plumbing and heating business	40 Welcome St.
industrial storage including the use of two existing shipping containers for storage	29 Wye Street

c)        Developments Permitted Subject to Other Requirements of this by-law

- i)        *Residential conversions* containing a maximum of four (4) *dwelling* units, subject to the requirements of Subsection 4.4.6 (*Residential conversion*);
- ii)       Small Scale Business *uses* subject to the requirements of Subsection 4.5.16 (Small Scale Business);

- iii) Residential *developments* in accordance with Section 4.5.19 (site plans);
  - iv) *Structures* within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 (Architectural Control).
  - v) Tourist homes subject to the requirements of Subsection 5.2.4
- d) Developments Permitted by Development Agreement
- i) Any form of residential *development* not otherwise permitted in accordance with Municipal Planning Strategy Policy 4.1.4
  - ii) In the Commercial Development Agreement area, any *development* permitted in the Restricted Commercial Zone in accordance with Municipal Planning Strategy Policies 4.1.5 and 4.3.14.
  - iii) Institutional *developments* in accordance with Municipal Planning Strategy Policy 4.1.6
  - iv) Expansion or change to a similar *use* of any *existing* land *use* listed in 5.2.1(b) above in accordance with Municipal Planning Strategy Policy 4.11.14.

**5.2.2 R Zone Standards**

All *structures* shall conform with the following standards except that two *dwelling* units forming a two-unit *dwelling* may be built to the common side or rear lot line.

	Single-Unit Dwelling	All other structures
Minimum Front <i>Yard</i>	4.5 metres (15 ft.)	4.5 metres (15 ft.)
Minimum Rear <i>Yard</i>	4.5 metres (15 ft.)	4.5 metres (15 ft.)
Minimum Side <i>Yard</i>		
One side	3.5 metres (12 ft.)	3.5 metres (12 ft.)
Other side	1.2 metres (4 ft.)	3.5 metres (12 ft.)
Minimum Flankage <i>Yard</i>	4.5 metres (15 ft.)	4.5 metres (15 ft.)
Maximum <i>Height</i> of buildings	13.5 metres (45 ft)	13.5 metres (45 ft)
Minimum distance between main <i>buildings</i> on adjacent lots	4.5 m. (15 ft.)	4.5 m. (15 ft.)
	1	2

Maximum number of <i>dwelling</i> s on each lot		
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**5.2.3 R Zone Lot Sizes (for new lots)**

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

	Two unit dwellings	All other structures
Minimum Lot Area	325 sq. metres (3,500 sq.ft.) per <i>dwelling</i> unit	650 sq. metres (7,000 sq.ft.)
Minimum Lot <i>Frontage</i>	10.5 m. (35 ft.) per <i>dwelling</i> unit	21 metres (70 ft.)

**5.2.4 Special Requirements – *Tourist homes***

No development permit shall be issued for a *Tourist home* unless the lot, on which the *Tourist home* is located,

- .1) comprises no more than three (3) self-contained units in the main dwelling and no more than one (1) self-contained unit in one (1) accessory structure per lot;
- .2) contains one (1) parking space for each unit;
- .3) contains no commercial signs;
- .4) is at minimum 100 metres from a lot on which a *Tourist home* is operating with a development permit”



**PART 6**            **RESIDENTIAL UNSERVICED (RU) ZONE**

**6.1**        **GENERAL REQUIREMENTS FOR RESIDENTIAL UNSERVICED ZONES**

**6.1.1**    **Application**

The provisions of this part shall apply to the Residential Unserviced Zone and to other *zones* as specified in this by-law.

**6.2**        **RESIDENTIAL UNSERVICED (RU) ZONE**

**6.2.1**    **Special Requirements - Commercial, Industrial and Institutional Developments in RU Zone**

Commercial, Industrial and Institutional *developments* are permitted in the RU Zone provided that, on each lot so used:

- i)        The *use* is permitted in the Commercial Zone by Subsection 7.2.1(a), the Institutional Zone by subsection 10.2.1(a) or the Industrial zone by subsection 8.2.1(a);
- i)        The maximum total indoor floor area occupied by such *uses* is 70 sq. metres (750 square feet); and
- ii)       The maximum total area devoted to such *uses* (including indoor and outdoor areas) is 204 sq. metres (2200 square feet).
- iii)      Clauses (i) and (ii) notwithstanding, fixed roof accommodations shall not exceed three guest rooms with associated dining facilities.
- iv)      Parking and loading spaces must be provided on the lot in accordance with the requirements of Parts 12 and 13.

**6.2.2**    **Permitted Developments**

- a)        Developments Permitted
  - i)        Single Unit *Dwellings*
  - ii)       Two Unit *Dwellings*
  - iii)      *Group homes*
  - iv)      *Parks, playgrounds*
  - v)        Forestry *uses* including the growing, sale and primary processing of forestry products at the harvest site.
  - vi)      Commercial, industrial and institutional *uses*, subject to the requirements of Subsection 6.2.1.
  - vii)     *Structures* in accordance with the standards of Subsection 6.2.3, excluding mobile homes

b) Developments Permitted Subject to Other Requirements of this by-law

- i) *Residential conversions* containing a maximum of four (4) *dwelling* units, subject to the requirements of Subsection 4.4.6 (*Residential conversions*);
- ii) *Residential developments* in accordance with Section 4.5.19 (site plans);
- iii) Expansion of Commercial, Industrial and Institutional *developments* beyond the limits set in Section 6.2.1 in accordance with Section 4.5.19 (site plans).
- iv) Structures and enclosures for the rearing or keeping of laying hens and rabbits subject to the requirements of section 4.4.16.

(c) Developments Permitted by Development Agreement

- i) Institutional *developments* in accordance with Municipal Planning Strategy Policy 4.2.6

**6.2.3 RU Zone Standards**

Unless otherwise specified in this by-law, all *structures* shall conform with the following standards:

Minimum Front <i>Yard</i>	4.5 metres (15 ft.)
Minimum Rear <i>Yard</i>	4.5 metres (15 ft.)
Minimum Side <i>Yard</i> One side Other side	3.5 metres (12 ft.) 1.2 metres (4 ft.)
Minimum Flankage <i>Yard</i>	4.5 metres (15 ft.)
Maximum <i>Height</i> of <i>buildings</i>	13.5 metres (45 ft)
Minimum distance between main <i>buildings</i> on adjacent lots	4.5 m. (15 ft.)
Maximum number of <i>dwelling</i> s on each lot	4

**6.2.4 RU Zone Lot Sizes**

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

Minimum lot area	744 sq. metres (7,000 sq. ft.)
Minimum Lot <i>Frontage</i>	21 metres (70 ft.)

**PART 7**            **COMMERCIAL ZONES**

**7.1**            **GENERAL REQUIREMENTS FOR COMMERCIAL ZONES**

**7.1.1**        **Abutting Zone Requirements**

Where any commercial zone abuts a Residential (R), Residential Unserviced (RU), Institutional (I), or Park (P) zone, the following restrictions shall apply to the minimum required abutting *yard* within the commercial zone (as shown in tables 7.2.2 and 7.3.2):

- (a)        No *outdoor display* shall be permitted
- (b)        No *parking space* shall be permitted
- (c)        The required abutting *yard* shall be fenced or planted with a mix of coniferous and deciduous trees to provide screening of the commercial *use* .
- (d)        No illuminated *sign* shall be permitted.

**7.1.2**        **Open Storage and Outdoor Display**

- .1        No *open storage* shall be permitted in the Commercial (C) and Restricted Commercial (RC) zones;
- .2        Screened or enclosed storage is not permitted within the front *yard*;
- .3        The area devoted to screened or enclosed storage shall not exceed fifty percent (50%) of the ground floor area of the main *building* on the lot.

7.2 COMMERCIAL (C) ZONE

7.2.1 Permitted Developments

(a) Developments Permitted Subject to Commercial (C) Zone Standards (Subsection 7.2.2)

all *uses* permitted in the Institutional Zone by Subsection 10.2.1(a)

Automobile sales and *repair*

animal hospitals and *clinics*

business and professional *offices*

*craft* workshops

*dwelling* units to a maximum of four *dwelling* units in a *building*

food preparation, retail sales and service

funeral homes

gardens and nurseries

*hotels*

*nursing homes*

marinas

medical and dental *clinics*

*parking lots*

*personal service shops*

*Pet Grooming*

places of entertainment, *recreation* and assembly

retail sales and service excluding parking *structures*

schools and child care facilities

*structures* subject to the requirements of Subsection 4.4.9 Architectural Control

*studios* for the practice or instruction of fine arts and *crafts*

taxi and bus stations

*tourist establishments*

wharves and similar water access *structures*

(b) Existing land Uses Permitted Subject to C Zone standards (Subsection 7.2.2)

*existing* multi-unit residential *uses* of three (3) or more *dwelling* units *existing* on 1 October 2001, as follows:

Use	Address
Nine units over ground floor commercial	544 Main Street

(c) Developments Permitted only Subject to Other Requirements of this By-Law

(i) premises licensed under the Liquor Control Act (other than *restaurants*) in accordance with Section 7.2.2, the Commercial (C) zone standards and Section 7.2.4, Special Requirements - Liquor License.

ii) *structures* within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 (Architectural Control)

(d) Developments Permitted only by Development Agreement

(i) light industrial *uses* in accordance with Municipal Planning Strategy Policy 4.3.6 and 4.4.5.

(ii) *Adult entertainment* in accordance with Municipal Planning Strategy Policy 4.3.5

- (iii) retail *developments* in excess of 280 square metres (3,000 square feet) in accordance with Municipal Planning Strategy Policy 4.3.3.
- (iv) premises licensed under the Liquor Control Act in excess of 112 square metres (1,200 square feet) in accordance with Municipal Planning Strategy Policy 4.3.4.

**7.2.2 Commercial (C) Zone Standards**

Minimum Front <i>Yard</i>	1.5 metres (5 ft.)
Minimum Rear <i>Yard</i>	3 metres (10 ft.)
Minimum Side <i>Yard</i>	1.5 metres (5 ft.)
Minimum Flankage <i>Yard</i>	0
Maximum <i>Height of Building</i>	14 metres (45 ft.)

**7.2.3 Commercial (C) Zone Lot Sizes**

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

Minimum Lot Area	sq. metres (4,000 sq. ft.)
Minimum Lot <i>Frontage</i>	6 metres (20 ft.)

**7.2.4 Special Requirements - Liquor License**

No development permit shall be issued for any premises licensed under the Liquor Control Act (other than *restaurants*) which has a floor area in excess of 112 sq. metres, (1200 sq. ft.), exclusive of washrooms, storage areas and administrative *offices* except in accordance with Clause 7.2.1(d)(iv) (development agreement).

**7.2.5 Special Requirements - Adult Entertainment**

No development permit shall be issued for any *adult entertainment* except in accordance with Clause 7.2.1(d)(ii) (development agreement).

**7.3 HARBOURFRONT COMMERCIAL (HC) ZONE**

**7.3.1 Permitted Developments**

(a) Developments Permitted Subject to HC Zone standards (Subsection 7.3.2)

- animal hospitals and *clinics*
- business and professional *offices*
- craft* workshops
- dwelling* units subject to Subsection 7.3.4, special requirements
- food preparation, retail sales and service
- funeral homes
- gardens and nurseries
- hotels*
- libraries, museums and public art galleries
- marinas
- medical and dental *clinics*
- parks*
- personal service shops*
- Pet Grooming*
- places of entertainment, *recreation* and assembly, excluding *adult entertainment*
- retail sales and service excluding parking *structures*
- retail stores up to a 280 sq. metres (3,000 sq. ft.) footprint
- studios* for the practice or instruction of fine arts and *crafts*
- structures* subject to the requirements of Subsection 4.4.9 Architectural Control
- tourist establishments*
- wharves and similar water access *structures*

b) Existing land Uses Permitted Subject to HC Zone standards (Subsection 7.3.2)

*existing* multi-unit residential *uses* of three (3) or more *dwelling* units *existing* on 1 October 2001, as follows:

Use	Address
Seven units over ground floor commercial	575 Main Street
Three units	601 Main Street
Three units with ground floor commercial	621 Main Street

(c) Developments Permitted Subject to Other Requirements of this By-Law

- (i) premises licensed under the Liquor Control Act (other than *restaurants*) in accordance with Section 7.3.2, the Harbourfront Commercial (HC) zone standards and Section 7.3.5, Special Requirements - Liquor License;
- (ii) *structures* within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 (Architectural Control)

(d) Developments Permitted by Development Agreement

- (i) light industrial *uses* in accordance with Municipal Planning Strategy Policies 4.3.11 and 4.4.5;
- (ii) retail *developments* in excess of 280 square metres (3,000 square feet) in accordance with Municipal Planning Strategy Policy 4.3.9;

- (iii) premises licensed under the Liquor Control Act in excess of 112 square metres (1,200 square feet) in accordance with Municipal Planning Strategy Policy 4.3.10;
- (iv) Any form of residential *developments* not otherwise permitted, in accordance with Municipal Planning Strategy Policies 4.5.4 and 4.3.13.

**7.3.2 Harbourfront Commercial (HC) Zone Standards**

Minimum Front <i>Yard</i>	1.5 metres (5 ft.)
Maximum Front <i>Yard</i>	3 metres (10 ft.)
Minimum Rear <i>Yard</i>	3 metres (10 ft.)
Minimum Side <i>Yard</i>	1.5 metres (5 ft.)
Minimum Flankage <i>Yard</i>	0
Maximum <i>Height of Building</i>	14 metres (45 ft.)

**7.3.3 Harbourfront Commercial (HC) Zone Lot Sizes**

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

Minimum Lot Area	sq. metres (4,000 sq. ft.)
Minimum Lot <i>Frontage</i>	6 metres (20 ft.)

**7.3.4 Special Requirements - Residential Developments**

- .1 No development permit shall be issued for new residential *uses* or the expansion of existing residential *uses* in any *structure* unless a minimum of fifty per cent (50%) of the Main Street level floor is reserved for other *uses* permitted in the Harbourfront Commercial Zone by Subsection 7.3.1 and these other uses occupy no less than 50% Main Street frontage of the building.
- .2 No development permit shall be issued for more than four *dwelling* units in a *building* in the Harbourfront Commercial Zone without a development agreement under Paragraph 7.3.1(d).

**7.3.5 Special Requirements - Liquor License**

No *development* permit shall be issued for any premises licensed under the Liquor Control Act (other than *restaurants*) which has a floor area in excess of 112 sq. metres, (1200 sq. ft.), exclusive of washrooms, storage areas and administrative *offices* except in accordance with Clause 7.3.1(d)(iii) (development agreement).

**7.4 RESTRICTED COMMERCIAL (RC) ZONE**

**7.4.1 Permitted Developments**

- (a) Developments Permitted Subject to RC Zone standards (Subsection 7.4.2)  
 all *uses* permitted in the Institutional Zone by Subsection 15.2.1(a)  
 All *uses* permitted in the Residential Zone by Subsection 5.2.1(a)  
 art and *craft* shops and associated workshops  
*restaurants*  
*personal service shops*  
 business and professional *offices*  
*tourist establishments*  
 medical and veterinary *clinics*  
*structures* subject to the requirements of Subsection 4.4.9 Architectural Control
  
- (b) Developments Permitted Subject to Other Requirements of this by-law
  - i) *Residential conversions* containing a maximum of four (4) *dwelling* units, subject to the requirements of Subsection 4.4.5;
  - ii) Small Scale Business *uses* subject to the requirements of Subsection 4.5.16;
  - iii) Residential *developments* in accordance with Section 4.5.19 (site plans);
  - iv) *Structures* within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 Architectural Control.
  
- (c) Developments Permitted by Development Agreement
  - (i) Any form of residential *development* not otherwise permitted in accordance with Municipal Planning Strategy Policy 4.1.5.

**7.4.2 RC Zone Standards**

All *structures* shall conform with the following standards except that two *dwelling* units forming a two-unit *dwelling* may be built to the common side or rear lot line.

	Single-Unit Dwelling	All other structures
Minimum Front <i>Yard</i>	4.5 metres (15 ft.)	4.5 metres (15 ft.)
Minimum Rear <i>Yard</i>	4.5 metres (15 ft.)	4.5 metres (15 ft.)
Minimum Side <i>Yard</i>		
One side	3.5 metres (12 ft.)	3.5 metres (12 ft.)
Other side	1.2 metres (4 ft.)	3.5 metres (12 ft.)
Minimum Flankage <i>Yard</i>	4.5 metres (15 ft.)	4.5 metres (15 ft.)
Maximum <i>Height of buildings</i>	13.5 metres (45 ft)	13.5 metres (45 ft)



Minimum distance between main <i>buildings</i> on adjacent lots	4.5 metres (15 ft)	4.5 metres (15 ft)
Maximum number of <i>dwelling</i> s on each lot	1	2

**7.4.3 RC Zone Lot Sizes (for new lots)**

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

	Two unit dwellings	All other structures
Minimum Lot Area	325 sq. metres (3,500 sq. ft.) per <i>dwelling</i> unit	650 sq. metres (7,000 sq. ft.)
Minimum Lot <i>Frontage</i>	10.5 m. (35 ft.) per <i>dwelling</i> unit	21 metres (70 ft.)

**7.5 COMMERCIAL SHORELINE (CS) ZONE**

**7.5.1 Permitted Developments**

- (a) Developments Permitted Subject to Commercial Shoreline (CS) Zone Standards, Section 15.2  
 all *uses* permitted within the Harbourfront Commercial (HC) zone within the one (1) *existing* commercial *structure* located at 8 Edgewater Drive, (P.I.D.60420023, Assessment Account 03969533)  
 gazebos and bandstands to a maximum area of 38 sq. metres (409 sq. ft.)  
*parks*, playgrounds, open spaces and sports fields  
*parking lots*  
 wharves, piers, slipways, launching ramps and similar water access *structures* and *uses*
  
- (b) Developments Permitted Subject to Other Requirements of this By-law  
*structures* within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 Architectural Control
  
- (c) Developments Permitted by Development Agreement  
 new commercial *developments* and additions to *existing* commercial *developments* in accordance with Municipal Planning Strategy Policy 4.6.8.

**7.5.2 Commercial Shoreline (CS) Zone Standards**

All *structures* shall conform with the following standards

Minimum Front Yard	1.5 metres (5 ft.)
Minimum Rear <i>Yard</i>	3 metres (10 ft.)
Minimum Side <i>Yard</i>	1.5 metres (5 ft.)
Minimum Flankage <i>Yard</i>	0
Maximum <i>Height of Building</i>	8 metres (26 ft.)

**7.5.3 Commercial Shoreline (CS) Zone Lot Sizes** (for new lots)

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

Minimum Lot Area	375 sq. metres (4,000 sq. ft.)
Minimum Lot <i>Frontage</i>	10 metres (33 ft.)

**PART 8**            **INDUSTRIAL ZONES**

**8.1**            **GENERAL PROVISIONS FOR INDUSTRIAL ZONES**

**8.1.2**        **Abutting Zone Requirements**

Where an industrial zone abuts a Residential (R), Residential Unserviced (RU), Park (P), or Open Shoreline (OS) zone, the following restrictions shall apply to an abutting *yard* within the industrial zone (as shown in table 8.2.2):

- (a)        No *open storage* or *outdoor display* shall be permitted in an abutting *yard* in the Industrial (ID) zone.
- (b)        No *parking space* shall be permitted in an abutting *yard* within 1.5 metres (5 ft.) of the abutting lot line.
- (c)        views from abutting properties shall be screened by a fence, by the shape of the ground or by vegetation.

**8.1.3**        **Open storage and Outdoor Display in the Industrial Zones**

*Open storage* shall not be permitted within the required minimum front or flankage *yard* of a lot.

**8.2 INDUSTRIAL (ID) ZONE**

**8.2.1 Permitted Developments**

- (a) Developments Permitted Subject to Industrial (ID) Zone Standards (Section 8.2.2)  
 all *uses* permitted in the Commercial (C) zone by subsection 7.2.1(a)  
 all *uses* permitted in the Institutional (IN) Zone by Subsection 10.2.1(a)  
 Any research, manufacturing, assembling, storage, or processing *development* which does not require an environmental assessment report under the *Environmental Assessment Regulations* or an approval under the *Activities Designation Regulations* made under the *Environment Act*  
 any activity connected with the automotive trade including auto sales, motor vehicle *repair shops* and auto body *repair shops*  
 any activity connected with the marine trades, including but not limited to boat and marine storage, *repair*, sales and supplies  
*building* supply and equipment depots  
*parking lots*
  
- b) Developments Permitted Subject to Other Requirements of this By-law  
*structures* within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 Architectural Control
  
- (c) Developments Permitted by Development Agreement
  - (i) industrial *developments* which are not otherwise permitted, in accordance with Municipal Planning Strategy Policy 4.4.3

**8.2.2 Industrial (ID) Zone Standards**

Minimum Front <i>Yard</i>	4.5 metres (15 ft.)
Minimum Rear <i>Yard</i>	4.5 metres (15 ft.)
Minimum Side <i>Yard</i> One side	3.5 metres (12 ft.)
Other side	1.2 metres (4 ft.)
Minimum Flankage <i>Yard</i>	4.5 metres (15 ft.)
Maximum <i>Height of buildings</i>	13.5 metres (45 ft.)
Minimum distance between main <i>buildings</i> on adjacent lots	4.5 m. (15 ft.)
Maximum number of <i>dwellings</i> on each lot	4

**8.2.3 Industrial (ID) Zone Lot Sizes**

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

Minimum Lot Area	1860 sq. metres (20,000 sq.ft.)
Minimum Lot <i>Frontage</i>	30 metres (100 ft.)

**PART 9**      **OPEN SHORELINE (OS) ZONE**

**9.1 Permitted Developments**

- (a) Developments Permitted Subject to Open Shoreline (OS) Zone Standards ( Section 9.2)  
 marine-related commercial *uses* within the *boathouse existing* at 995 Main Street  
*parks*, playgrounds, and open spaces  
*parking lots*  
 wharves, piers, slipways, launching ramps and similar water access *uses*  
 alterations to *existing structures* subject to the requirements of Subsection 4.4.10 Architectural Control
  
- (b) Developments Permitted Subject to Other Requirements of this By-law  
 one single unit *dwelling* on the property located at 781 Main Street in accordance with Part 5, Residential (R) Zone.
  
- (c) Developments Permitted only by Development Agreement  
 Residential uses in the existing boathouse at 995 Main Street in accordance with Municipal Planning Strategy Policy 4.6.5.
  
- (d) *structures* within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 Architectural Control

**9.2 Open Shoreline (OS) Zone Standards**

All *structures* shall conform with the following standards

	Dwellings	Other Structures
Minimum Front <i>Yard</i>	4.5 metres (15 ft.)	1.5 metres (5 feet)
Minimum Rear <i>Yard</i>	4.5 metres (15 ft.)	1.5 metres (5 feet)
Minimum Side <i>Yard</i> One side Other side	3.5 metres (12 ft.) 1.2 metres (4 ft.)	1.5 metres (5 feet)
Minimum Flankage <i>Yard</i>	4.5 metres (15 ft.)	1.5 metres (5 feet)
Maximum <i>Height of Buildings</i>	8 metres (26 ft.)	1 meter (3 feet) see 9.4 below

**9.3 Open Shoreline (OS) Zone Lot Sizes**

Minimum Lot Area	650 sq. m. (7,000 sq. ft.)
Minimum Lot <i>Frontage</i>	21 m. (70 ft.)

**9.4 Special Requirements**

The maximum *height* of 1 metre (3 ft.) shown in table 9.2 shall be measured from the surface of the adjacent Street.

**PART 10**      **INSTITUTIONAL (IN) ZONES**

**10.1**      **GENERAL REQUIREMENTS FOR INSTITUTIONAL ZONES**

**10.1.1**    **Application**

The provisions of this Part shall apply to the Institutional Zone and to other *zones* as specified in this by-law.

**10.1.2**    **Special Requirement - Attached Buildings**

Notwithstanding the setback requirements of Subsection 10.2.2, *buildings* on abutting lots may be joined or physically attached to each other.

**10.2 INSTITUTIONAL (IN) ZONE**

**10.2.1 Permitted Developments**

- a) Developments Permitted Subject to IN Zone Standards (Subsection 10.2.2)  
 Ambulance and Emergency Response Services, including fire departments  
 Business and professional *offices*  
 Cemeteries  
*Churches*, mosques and other places of worship, including associated meeting halls  
*Day care centres* and Nursery Schools  
*Community centres*  
 Educational facilities  
 Government facilities  
 Hospitals  
 Libraries, Museums and Public Art Galleries  
 Medical and dental *clinics*  
 Non-profit community and Fraternal organisations  
*Parks*  
*Nursing homes*, and associated assisted living facilities  
 Rectories, Manses, and staff residences associated with the *uses* listed in this paragraph.  
 Sewage, water treatment, gas supply and electric facilities
  
- b) Developments Permitted Subject to Other Requirements of this By-law  
*Structures* within the Architectural Control Area are subject to the requirements of Subsection 4.4.10  
 Architectural Control
  
- c) Developments Permitted only by Development Agreement  
 In the Old School Development Agreement Area, in accordance with Municipal Planning Strategy Policy 4.7.5, the following *developments* are permitted:  
*Tourist establishments*  
*Offices*  
*Studios* and galleries  
 Theatres  
*Craft* workshops  
*Restaurants*  
 Health services  
*Dwelling* units  
*Community centres*

**10.2.2 Zone Standards**

Minimum Front <i>Yard</i>	4.5 metres (15 ft.)
Minimum Rear <i>Yard</i>	4.5 metres (15 ft.)
Minimum Side <i>Yard</i>	
One side	3.5 metres (12 ft.)
Other side	1.2 metres (4 ft.)
Minimum Flankage <i>Yard</i>	4.5 metres (15 ft.)

Maximum <i>Height</i> of <i>buildings</i>	13.5 metres (45 ft)
Minimum distance between main <i>buildings</i> on adjacent lots	4.5 m. (15 ft.)
Maximum number of <i>dwellings</i> on each lot	4

**10.2.3 IN Zone Lot Sizes (for new lots)**

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

Minimum Lot Area with Central Sewer	650 sq. m. (7,000 sq. ft.)
Minimum Lot <i>Frontage</i>	21 m. (70 ft.)



**PART 11      PARK (P) ZONE**

**11.1 Permitted Developments**

- (a) Developments Permitted Subject to Park (P) Zone Standards, Section 11.2  
 pavilions, band shells  
*parks*, playgrounds, open spaces and sports fields  
 recreational *uses* and facilities

**11.2 Park (P) Zone Standards**

Minimum Front <i>Yard</i>	4.5 metres (15 ft.)
Minimum Rear <i>Yard</i>	4.5 metres (15 ft.)
Minimum Side <i>Yard</i> One side	3.5 metres (12 ft.)
Other side	1.2 metres (4 ft.)
Minimum Flankage <i>Yard</i>	4.5 metres (15 ft.)
Maximum <i>Height</i> of buildings	10 metres (33 ft.)
Minimum distance between main <i>buildings</i> on adjacent lots	4.5 m. (15 ft.)

**11.3 Park (P) Zone Lot Sizes**

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

Minimum Lot Area with Central Sewer	650 sq. m. (7,000 sq. ft.)
Minimum Lot <i>Frontage</i>	21 m. (70 ft.)

**PART 12**      **REQUIREMENTS FOR LOADING AREAS**

**12.1**      **Number and Layout of Loading Spaces**

No *person* shall construct any *structure* for manufacturing, storage, warehouse, department store, retail store, wholesale store or outlet, market, freight or passenger terminal, *hotel*, hospital, or other *uses* involving the frequent shipping, loading or unloading of *persons*, animals, or goods unless:

- (a)      there is maintained on the same lot one (1) off-street space for standing, loading, and unloading for every 2700 sq. metres (30,000 sq.ft.) or fraction thereof of floor area used for any such purpose, and
- (b)      each loading space measures at least 4 metres (13 ft.) in width by 12 metres (40 ft.) in length with a minimum *height* clearance of 4.3 metres (14 ft.), and
- (c)      loading spaces, including driveways leading thereto, shall be treated or surfaced to prevent the raising of dust or loose particles, and
- (d)      the width of any access road to a loading space shall be a minimum of 3.5 metres (12 ft.) for one-way traffic or 7.5 metres (25 ft.) for two-way traffic.

**PART 13 REQUIREMENTS AND STANDARDS FOR PARKING AREAS**

**13.1 Application**

The requirements of this part shall apply to all *zones* unless otherwise specified.

**13.2 Parking Exemption**

- (a) The requirements of Section 13.3 shall not apply to land *use* or building which exists on the effective date of this Land use By-law.
- (b) The requirements of Section 13.3 shall not apply to any "change of *use*" when such "change of *use*" does not also change the category to a higher-number category as shown in Section 13.3 or increase the total number or required parking spaces. If a portion of a lot or *building* is changed to a higher-number category, parking requirements shall apply only to that portion which has changed to a higher-number category.
- (c) Notwithstanding 13.2 (b), where a "change of *use*" includes the expansion or enlargement of an existing *structure* or *use*, the expansion of the *use* or *structure* shall be subject to the requirements of Section 13.3.

**13.3 Number of Parking Spaces Required**

No development permit shall be issued for any *development* unless off-street parking shall be provided and maintained in conformity with the following schedule. All calculations are to be rounded up to the nearest whole *parking space* :

Category (1)	Parking Required (3 m. x 6 m. spaces)
hospitals and <i>nursing homes</i>	one half (1/2) space per bed or 37 sq. metres (400 sq. ft.) of floor area
warehouses	one third (1/3) space per 92.5 square metres (1000 sq. ft.) of floor area
industries	one tenth (1/10) space per 9.25 sq. metres (100 sq. ft.) of floor area

Category (2)	Parking Required
residential <i>buildings</i>	one and one-half (1 1/2) spaces per unit
senior citizens housing	one (1) space per unit
<i>hotels, motels</i> and other accommodation for travellers	one and one-half (1 1/2) spaces per rental unit

Category (3)	Parking Required
elementary and middle schools	two (2) spaces per classroom
high schools	four (4) spaces per classroom
bowling alley and curling rinks	one half (1/2) space per <i>person</i> of design capacity

Category (4)	Parking Required
<i>offices</i> and all other commercial <i>uses</i>	one half (1/2) space per 9.25 sq. metres(100 sq. ft.) of floor area

Category (5)	Parking Required
<i>churches</i> , funeral homes, <i>restaurants</i> , beverage rooms, lounges and other places of assembly	one half (1/2) space per fixed seat or three (3) spaces per 9.25 sq. metres (100 sq. ft.) of floor area devoted to public <i>use</i> .

**13.4 Parking Location**

Required parking shall be located on the same lot as the *use*.

**13.5 Cash In Lieu**

*Council* may accept cash in lieu of providing the required parking, as set out in Section 13.3, to a maximum of two *parking spaces* and in accordance with *Council's* policies on parking areas according to the following formula:

- amount of payment = (a x 19 sq. metres) x b + (b x \$1,500)
- a = assessed value of the land per square metre
- 19 = number of square metres in each *parking space*
- b = number of required *parking spaces*
- \$1,500 = cost of constructing *parking space* (in dollars)

**13.6 Standards for Parking Areas**

Where off-street parking is required and more than four (4) spaces are provided, no development permit shall be issued except in conformity with the following requirements:

- (a) the parking area shall be treated or surfaced to prevent the raising of dust;
- (b) outdoor lighting fixtures, including illuminated *signs*, shall use the lowest possible intensity consistent with safety, shall use fixtures which eliminate glare and in particular shall not project any glare or direct illumination onto adjacent properties, including the street;
- (c) each *parking space* and the direction of travel in each traffic lane shall be clearly marked and maintained where a permanent hard surface is provided;
- (d) no highway access shall be within 15 metres (50 ft.) of the limits of the right-of-way of the nearest highway intersection;
- (e) the width of any access to a parking area and of any traffic lane in a parking area, shall be a minimum width of 3 metres (10 ft.) if for one-way traffic, and a minimum width of 6 metres (20 ft.) if for two-way traffic.

**PART 14      SIGNS****14.1      GENERAL REQUIREMENTS FOR SIGNS****14.1.1      Development Permit Required**

The public display of *signs* is a *development* for which a development permit is required, except for those *signs* described in Paragraph 14.1.2 below.

**14.1.2      Signs for Which No Development Permit is Required**

The following *signs* are permitted in all *zones*, without any requirement for a development permit:

- a)      *Signs* identifying name and occupation of the resident, and of not more than 0.2 square metres (2 sq. ft.) in *sign* area;
- b)      *Signs* bearing the name or civic number of the *building* not exceeding 0.2 square metres (2 sq. ft.);
- c)      "No trespassing" *signs* or other such *signs* regulating the *use* of a property, and of not more than 0.2 square metres (2 sq. ft.) in *sign* area;
- d)      *Signs* regulating or denoting on-premises traffic, or parking or other *signs* denoting the direction or function of various parts of a *building* or premises provided that such *signs* are less than 0.5 square metres (5 sq. ft.) in area;
- e)      Memorial *signs* or tablets and *signs* denoting the historical *significance* and date of construction of a *structure*;
- f)      Indoor *signs* which are installed wholly within the exterior walls of a *building*;
- g)      A maximum of two real estate *signs* on any property, each one not exceeding 0.5 square metres (5 sq. ft.) in *sign* area in any residential *zone* and 1.5 square metres (16 sq. ft.) in other *zones*, which advertises the sale, rental or lease of the property on which they are located;
- h)      *Signs* installed by a government body, or under the direction or authority of such a body, and bearing no commercial advertising, such as but not limited to traffic *signs*, safety *signs*, *signs* identifying public schools, public election lists, and festival *signs*;
- i)      A *sign* having an area of not more than 6 square metres (65 sq. ft.) incidental to construction and located on the same site as the *building* under construction. Such *signs* shall not remain in place for more than sixty (60) days following completion of construction;
- j)      The flag, pennant, or *insignia* of any government, or of any charitable, religious or fraternal organization;
- k)      *Signs* associated with a specific event and bearing no commercial advertising, which do not exceed 1.5 square metres (16 square feet) in area and which are displayed within 30 days of the event.

**14.1.3 Signs Prohibited in All Zones**

Despite all other provisions of this by-law the following *signs* shall not be installed or used in any *zone*:

- a) *signs* which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour, and *signs* which have any visible moving part or mechanical movement of any description;
- b) *signs* which constitute a hazard to public safety;
- c) *signs* which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers or obstruct the effectiveness of any traffic *sign* or traffic control device on *public streets*;
- d) *signs* which obstruct the use of a fire escape or other required exit;
- e) *signs* which make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse drivers on a *public street*;
- f) *signs* painted upon, attached to, or supported by a tree, stone, cliff, or other natural object;
- g) portable *signs*, except those permitted under Paragraph 14.2.5 below;
- h) all *signs* not specifically permitted in this by-law.

**14.1.4 Illumination**

Outdoor lighting fixtures, including illuminated *signs*, shall use the lowest possible intensity consistent with safety, shall use fixtures which eliminate glare and in particular shall not project any glare or direct illumination onto adjacent properties.

**14.1.5 Non-commercial Signs**

*Signs* which are not associated with a special occasion and are not otherwise permitted by this by-law may be permitted in any *zone* but:

- a) shall not exceed 1 square metre (10.8 square feet) in *sign* area on each side;
- b) shall not display any commercial advertising; and
- c) shall not remain on display for more than thirty days in a calendar year.

**14.2 SIZE AND LOCATION OF COMMERCIAL SIGNS**

The following requirements shall apply to all commercial advertising *signs* unless otherwise specified elsewhere in this By-law.

**14.2.1 Ground Signs**

No ground *sign* shall:

- a) exceed 2.2 square metres (24 sq. ft.) in *sign* area on each side;
- b) exceed a *height* of 6.0 metres (20 ft.) from *grade* to the highest part of the *sign*;
- c) extend across any property boundary line unless the application for a development permit is signed by all the affected property *owners*;
- d) exceed the limit on the total area of all ground *signs* on a lot which is 0.09 sq. m. (one sq. ft.) for each 0.3 metre (lineal foot) of the front wall of the *building* in which the business is located.

**14.2.2 Projecting Wall Signs**

No projecting wall *sign* shall:

- a) exceed 1.9 square metres (20 sq. ft.) in *sign* area on each side;
- b) project over a *public street* or highway beyond the curb line or highway shoulder at a *height* of less than 4.15 metres (13.6 ft.);
- c) project above the eaves, parapet or roof line of a *building*;
- d) be installed below a *height* of 2.5 metres (8 ft.) above *grade*, unless the *sign* projects entirely above private property;
- e) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device;
- f) exceed the limit on the total area of all projecting wall *signs* on a lot which is 0.09 sq. m. (one sq. ft.) for each 0.3 metre (lineal foot) of the front wall of the *building* in which the business is located;

**14.2.3 Flat Fixed Wall Signs**

No flat fixed wall *sign* shall:

- (a) cover more than 0.1 sq. metre (1 sq. ft.) per lineal foot of the wall of the side of the *building* on which the *sign* is affixed. The total area of flat fixed wall *signs* for each *building* shall not exceed 9.25 sq. metres (100 sq.ft.) except in the case of multiple occupancy *buildings*, where the limit is 125 square feet.
- (b) extend above the top of the wall upon which it is placed;
- (c) extend beyond the extremities of the wall upon which it is attached.

**14.2.4 Window Signs**

No window *sign*, or group of window *signs* affixed to one (1) window shall exceed 50% of the window's area.

**14.2.5 Portable Signs**

No portable *sign* shall:

- a) exceed 1.1 sq. metres (12 sq. ft.) in area on each side;
- b) be located within the boundaries of a *public street* without a permit issued under the Streets and Sidewalks By-law, and where such permit has been issued no Development Permit is required;
- c) remain on display during the close of business.

**14.2.6 Off-premises Advertising**

No *sign* shall be installed or used for commercial advertising except where the *sign* is located either:

- (a) on the same lot as the establishment which it advertises; or
- (b) on the same lot as the dealer for the product which it advertises; or
- (c) on a *public street* as permitted by the Streets and Sidewalks By-law; or
- (d) affixed to a *building* in the Commercial *zone* which is used for commercial purposes but does not satisfy Clause (a) or (b) above, in which case there shall be no more than two such *signs* on any wall of the *building* to a maximum total of 1.0 sq. m. (10 sq. ft.) on each wall, which *sign* area shall be counted as part of the limits established by 14.2.3

**14.2.7 Commercial Signs Within Residential Zones**

Other than those *signs* for which no Development Permit is required under Subsection 14.1.2, no *sign* shall be used for commercial advertising within any residential *zone* unless:

- a) with the exception of properties fronting on Main Street or Edgewater Drive, there shall not be more than one *sign* on the lot which shall not exceed 1 sq. metre (10 sq. ft.) on each side.
- b) for properties fronting on Main Street or Edgewater Drive, there shall not be more than one *sign* for each business on the lot and no *sign* shall exceed 1.5 sq. metres (16 sq. ft.) on each side.



**PART 15**      **DEFINITIONS**

- 15.0 For the purposes of this by-law all words shall carry their customary meaning except for those words and phrases defined in Part 16.
- 15.1 ACCESSORY STRUCTURE - See STRUCTURE
- 15.2 ACCESSORY USE - See USE
- 15.3 ADULT ENTERTAINMENT means providing services appealing to or designed to appeal to erotic or sexual appetites or inclinations and for greater certainty in this context:  
“Providing” includes furnishing, performing, soliciting, or giving;  
“Services” include activities, facilities, performances, exhibitions, viewing and encounters;  
“Services appealing to or designed to appeal to erotic or sexual appetites or inclinations” includes:  
    (i) services of which a principal feature or characteristic is the nudity or partial nudity of any *person*, where ‘partial nudity’ means less than completely and opaquely covered: human genitals; human pubic region; human buttocks; and female breast below a point immediately above the top of the areola and  
    (ii) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having a like meaning or implication is used in any advertisement.
- 15.4 BOATHOUSE means a *structure*, whether permanent or temporary, which is roofed, which does not contain toilet, washroom, bathroom, shower room or kitchen facilities and which is used for the shelter or storage of boats, watercraft and associated marine accessories and equipment, but not for the accommodation of *persons* or animals, or for commercial purposes and does not include a garage.
- 15.5 BODY SHOP - see SHOP.
- 15.6 BUILDING means a *structure*, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of *persons*, animals, materials or equipment and includes any addition, porch, deck, veranda, steps, or other *structure* attached thereto or located or built within 1.5 metres (5 feet) thereof, and for greater certainty:  
  
    i) MAIN BUILDING means the *building* in which is carried on the principal purpose for which the *building* lot is used.  
  
    ii) ACCESSORY BUILDING see ACCESSORY STRUCTURE
- 15.7 CATERING means preparing food and serving it to customers elsewhere.
- 15.8 CHURCH means a *building* dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, or day nursery operated in conjunction with a Church.
- 15.9 CLINIC means a place for giving medical treatment or advice other than a hospital or an *office* located in a *dwelling*.

- 15.10 COMMUNITY CENTRE means any tract of land, or *building* or *buildings*, or any part of any *buildings* used for community activities whether used for commercial purposes or not, the control of which is vested in a government body such as Town *Council*, or in a local incorporated non-profit organization.
- 15.11 CORNER LOT - See LOT.
- 15.12 CORNER VISION TRIANGLE means that triangular portion of a *corner lot* established by measuring along the street lines a distance of 6 metres (20 ft.) from their point of intersection and joining the points so established with a straight line, and includes the space situated vertically above said triangular area.
- 15.13 COUNCIL means the Council of the Town of Mahone Bay.
- 15.14 CRAFT
- i) CRAFT PRODUCTS means products made by hand or small custom production processes by potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leatherworkers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, sailmakers, and similar skilled craftspersons.
  - ii) CRAFT WORKSHOP means a *building* or part of a *building* where craft products are made by hand or small production processes.
- 15.15 DAY CARE CENTRE
- i) RESIDENTIAL DAY CARE means a part of a *dwelling* where the *owner* or occupier of the *dwelling* provides accommodation and care, for financial remuneration, to eight (8) or fewer *persons*, without providing overnight accommodation.
  - ii) COMMERCIAL DAY CARE CENTRE means a facility other than a Residential Day Care Centre, located in a *building* or part of a *building*, where *persons* are accommodated and cared for, for financial remuneration, without providing overnight accommodation.
- 15.16 DEVELOPMENT includes any erection, construction, alteration, replacement or relocation of or addition to any *structure* and any change or alteration in the use made of land or *structures*.
- 15.17 DEVELOPMENT OFFICER means the *person* appointed by *Council* under the authority of the Municipal Government to administer the provisions of the Land Use By-law.
- 15.18 DEVELOPMENT PERMIT means the permit issued by the Development Officer certifying that a proposed *development* complies with the provisions of the Land Use By-law.
- 15.19 DEVELOPER means any *person*, incorporated body, partnership or other legal entity which undertakes a *development*.

- 15.20 DWELLING means a *building*, occupied or capable of being occupied as a home, residence or sleeping place by one or more *persons*, containing one or more dwelling units and does not include accommodations for the travelling public, with the exception of *Guest houses* and *Tourist homes*, and for greater certainty:
- i) SINGLE UNIT DWELLING means a completely detached dwelling other than a mobile home, and which contains one dwelling unit.
- 15.21 DWELLING UNIT means one or more habitable rooms that may be used by one or more individuals as an independent and separate housekeeping establishment in which kitchen and sanitary facilities (lavatory, washroom, bathroom) are provided for the exclusive use of such individual or individuals, with a private entrance from outside the *building* or from a common hallway or stairway inside the *building*.
- 15.22 EXISTING means in existence on the effective date of this By-law.
- 15.23 FARM ANIMAL means any animal commonly bred on a farm, including but not limited to: horses, cattle, sheep, goats, swine, fowl, mink, fox, rabbits, donkeys, emu, llama.
- 15.24 FIXED WALL SIGN - See SIGN.
- 15.25 FLANKAGE YARD - See YARD.
- 15.26 FRONTAGE - See LOT FRONTAGE.
- 15.27 GRADE means, with reference to a *building* or *structure*, the average elevation of the finished surface of the ground where it meets the exterior of the foundation of the *building* or *structure*, exclusive of any artificial embankment or entrenchment, and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Town or other designated authority.
- 15.28 GROUND SIGN - See SIGN
- 15.29 GROUP HOME means a family home, group care facility, or similar facility for 24 hour non-medical care of *persons* in need of *personal* services, supervision, or assistance essential for sustaining the activities of daily living or protection of the individual, where the number of residents does not exceed nine (9) excluding staff.
- 15.30 GUEST HOUSE means a part of a *dwelling* where the resident *owner* or resident occupant provides accommodation, with or without meals, to the travelling public for financial remuneration and does not include facilities open to the general public such as meeting rooms, *restaurants*, or entertainment facilities.
- 15.31 HEIGHT means the vertical distance on a *building* between the established *grade* and
- a. the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
  - b. the deck line of a mansard roof; or
  - c. the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof;
- and excluding any construction used as ornament or for the mechanical operation of the *building*, a mechanical penthouse, chimney, tower, cupola, or steeple.

- 15.32 HOTEL means a *building* or establishment which provides accommodation for the travelling public for financial remuneration and may include other facilities including meeting rooms, *restaurants*, and entertainment facilities and which is open to the general public and for greater certainty:
- i) MOTEL means a type of hotel which is characterized by separate outside entrances to individual sleeping accommodations and close-by parking.
- 15.33 INDUSTRIAL USE means the *use* of land or *structures* for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods, equipment and machine servicing, and related *accessory uses*.
- 15.34 INSTITUTION means a *building* or part of a *building* used by an organized body or society for promoting a particular purpose with no intent of profit, such as *churches*, *community centres*, hospitals, homes for special care, and fraternal organisations.
- 15.35 KITCHEN means a room in a *building* containing any two of the following:
- i) cooking facilities such as cooking stove, cooking range or countertop stove with or without oven;
  - ii) food storage facilities such as a pantry or refrigerator
  - iii) dish washing facilities such as a sink;
- and for greater clarity, any *building* containing two or more of the above elements is deemed to include a kitchen.
- 15.36 LOADING SPACE means an area of not less than 48 square metres (520 sq. ft.) measuring at least 4 metres (13 ft.) by 12 metres (40 ft.) for the temporary parking of commercial motor vehicles while merchandise or materials are being loaded or unloaded and which has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, but which is not used for sales or display.
- 15.37 LOT means any parcel of land as described by its boundaries, and for greater certainty:
- i) CORNER LOT means a lot situated at the intersection of and abutting on two or more streets.
  - ii) INTERIOR LOT means a lot situated between two lots and having access to one street.
  - iii) THROUGH LOT means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a *Corner lot* and a Through Lot as hereinbefore defined, such lot shall be deemed to be a *Corner lot* for the purpose of this by-law.
  - iv) ABUTTING LOT means a lot having one or more boundaries coincident with one or more *zone* boundaries.
- 15.38 LOT AREA means the total plane horizontal area within the lot lines of a lot.
- 15.38A LOT COVERAGE means the combined area of land covered by buildings on a lot, including land over which buildings project, but excluding any area below the eaves of the roof. Portions of a building which are not covered by a roof such as unsheltered step, veranda or deck, are excluded from the combined area.

- 15.39 LOT FRONTAGE means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point thereon equal in distance to the minimum applicable front *yard*.
- 15.40 LOT LINE means a boundary line of a lot, and for greater certainty:
- i) FRONT LOT LINE means the line dividing the lot from the street. In the case of a *corner lot*, either boundary line abutting the street may be regarded as the front lot line. In the case of a through lot the longer boundary dividing the lot from the street shall be deemed to be the front lot line and the opposite, shorter boundary shall be deemed to be the rear lot line, and where such lot lines are of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction. In the case of a lot which does not abut a street the front lot line shall be determined by the orientation of the main *building* on the lot.
  - ii) REAR LOT LINE means the lot line furthest from or opposite to the front lot line.
  - iii) SIDE LOT LINE means a lot line other than a front or rear lot line.
  - iv) FLANKAGE LOT LINE means a side lot line which abuts the street on a *corner lot*.
- 15.41 MAIN WALL means the exterior front, side or rear wall of a *building*, and includes but is not restricted to all structural members essential to the support of a fully or partially enclosed space or roof and any decks, bay windows, porches, steps, verandas, and balconies.
- 15.42 MAIN BUILDING - see BUILDING
- 15.43 MARINA means a *building, structure* or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale or rent, and may include other services such as but not limited to the sale of marine fuels and lubricants.
- 15.44 MOBILE HOME means a prefabricated detached *dwelling* designed for transportation on its own chassis and wheels to a site where it is to be occupied as a *dwelling* complete and ready for occupancy (except for minor and incidental unpacking or assembly operations). A mobile home shall be considered to be a mobile home whether or not the chassis or wheels are removed.
- 15.45 MOTEL see HOTEL
- 15.46 MUNICIPAL GOVERNMENT ACT means the Act respecting Municipal Government, R.S.N.S. 1998, Chapter 18 as amended from time to time.
- 15.47 NURSING HOME means a *building* wherein nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.
- 15.48 OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, and includes, but is not limited to the following: physicians, surgeons, dentists, lawyers, architects, engineers,

- accountants, real estate agents, insurance agents, photographers, optometrists, chiropractors, eye specialists and similar *uses*, and may include retail sales or dispensing of goods associated with and incidental to the main *use*.
- 15.49 OPEN STORAGE means the storage of any items outside a *building*, not primarily for the encouragement of sale of the item or of similar items, but principally for storage purposes.
- 15.50 OUTDOOR DISPLAY means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items.
- 15.51 OWNER includes a *person* controlling the property under consideration, and also includes *prima facie* the assessed owner of the property whose name appears on the assessment roll prepared in accordance with the *Assessment Act*.
- 15.52 PARK means an open area devoted to passive *recreational uses* or conservation *uses* and which may include ornamental gardens and lawns, outdoor furniture, *accessory structures* and children's playgrounds.
- 15.53 PARKING LOT means an open area other than a street containing parking spaces for five or more motor vehicles, available for public *use* or as an accommodation for clients, customers or residents.
- 15.54 PARKING SPACE means an area of not less than 19 square metres (200 square feet), measuring 3 metres (10 feet) by 6 metres (20 feet) exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or manoeuvring areas.
- 15.55 PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 15.56 PERSONAL SERVICE SHOP means a business which tends to the grooming or health of *persons* or the maintenance or *repair* of personal wardrobe articles and accessories, and without limiting the generality of the foregoing may include barber *shops*, beauty parlours, hairdressing *shops*, shoe *repair* and shoe shining *shops*, but excludes any manufacturing or fabrication of goods for sale and excludes *adult entertainment*.
- 15.56a PET GROOMING means a building or part of a building used for the hygienic care and cleaning of domestic pets and for which there is financial remuneration. This includes the retail sale of any products used in pet grooming services, but does not include boarding, breeding or the provision of medical procedures.
- 15.57 PLANNING STRATEGY means the Municipal Planning Strategy of the Town of Mahone Bay.
- 15.58 PRIVATE STORAGE BUILDING means an enclosed or partially enclosed *structure* for the storage of materials or goods in which no business, occupation, or service is conducted for profit.
- 15.59 PUBLIC FACADE means that part of the exterior of a *structure* which can be seen from public property such as streets, the harbour and public wharves.
- 15.60 PUBLIC STREET means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Town of Mahone Bay.

- 15.61 RECONSTRUCT when used with reference to a *building* or *structure* means to build a wholly or substantially new *structure* in the same location as an *existing structure*, where the original *existing structure* has been wholly or partially removed and the resulting *structure* is of substantially the same dimensions and volume as the original *structure* as demonstrated by photographs or measured drawings of the original *structure*.
- 15.62 RECREATION means the *use* of land for *parks*, playgrounds, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, picnic areas, outdoor swimming areas, day camps, and non-commercial *uses* similar to the foregoing, together with necessary and accessory *buildings* and *structures*, but not including a shooting range, or a track for the racing of animals or any form of motorized vehicles.
- 15.63 REPAIR when used with reference to a *building* or *structure* means to renovate or mend by replacing or repairing parts without altering the size or volume of the *structure*.
- 15.64 REPAIR SHOP - See SHOP
- 15.65 RESIDENTIAL CONVERSION means the conversion of any *structure* to contain more *dwelling* units than it contained before the conversion.
- 15.66 REPLACE when used with reference to a *building* or *structure*, means to build a wholly or substantially new *structure* on a lot where the original *structure* has been partially or wholly demolished.
- 15.67 RESIDENTIAL DAY CARE CENTRE - See DAY CARE.
- 15.68 RESTAURANT means a *building* or part thereof where food and drink is prepared and served to the public for consumption on the premises or off the premises.
- 15.69 SHOP means any *building* or part thereof used for sales or *repair* of articles, and for greater certainty:
- i) BODY SHOP means a *building* or part of a *building* or a clearly defined space on a lot where motor vehicle bodies are repaired and does not include a service station or automobile sales;
  - ii) REPAIR SHOP means any *building* or part thereof used for the *repair* of household articles and shall include radio, television, and appliance *repair shops*, plumbing *repair shops*, electrical *repair shops*, furniture *repair shops*, shoe *repair shops* but shall not include industrial or manufacturing, motor vehicle *repair shops* or auto body *repair shops*.
- 15.70 SIGN means any *structure*, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto or painted or represented thereon, which shall be used to identify, or advertise, any object, product, place, activity, *person*, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an identification or advertisement. A sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign, and for greater certainty:

- i) COMMUNITY EVENT BANNER means a banner which advertises or promotes a community event and which bears no commercial advertising other than the name or logo of a commercial sponsor of the event.;
  - ii) FIXED WALL SIGN means a sign which is attached directly to or painted upon a *building* wall, and which does not extend therefrom, and does not extend above the roof line;
  - iii) GROUND SIGN means a sign supported by one or more uprights or braces placed in or upon the ground;
  - iv) PORTABLE SIGN means a ground sign which is not permanently affixed in the ground;
  - v) PROJECTING WALL SIGN means a sign which projects from and is supported by a wall of a *building*;
  - vii) SIGN AREA means the area of the smallest triangle, rectangle or circle or semi-circle which can wholly enclose the surface area of the sign; and
  - viii) WINDOW SIGN means a sign which is displayed inside of a window or glass door and is legible from off the premises or from a *parking lot*.
- 15.71 STUDIO means a *building* or part thereof used as a workroom for the study, execution or instruction of any fine or commercial art, or *craft*, including photography, music, visual arts and commercial design.
- 15.72 STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and for greater certainty:
- i) ACCESSORY STRUCTURE means a subordinate structure on the same lot as the main *building*, devoted to an *accessory use*.
- 15.73 TOURIST ESTABLISHMENT means a *building* or *buildings* used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodations with or without meals, for periods of thirty (30) days or less, including but not limited to a *guest house*, tourist cabins, a *tourist home*, a *motel*, an auto court, and a *hotel*.
- 15.73A TOURIST HOME means a dwelling functioning in a commercial capacity as self-catering accommodation for the travelling public and does not include facilities open to the general public such as meeting rooms, restaurants, or entertainment facilities.
- 15.74 TOWN means the Town of Mahone Bay.
- 15.75 USE means the purpose for which any land, *building* or *structure* is used, and also means the purpose for which any land, *building* or *structure* is designed, arranged, or intended or the purpose for which any land, *building* or *structure* is occupied or maintained or leased, and for further certainty:
- i) ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to, and exclusively devoted to, a main use of land or *building* and located on the same lot.



- ii) AGRICULTURAL USE means the utilizing of land, *buildings* or *structures* to raise crops or animals or fowl and includes the harboring or keeping of any one or more of the following livestock regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, sheep, goat or similar livestock.
- iii) CHANGE IN USE means any alteration in the use made of the whole or any part of a parcel of land, a *building* or a *structure*.
- iv) FORESTRY USE means the use of land, *buildings*, or *structures* to raise trees.
- v) NON-CONFORMING USE means a prior *existing* use for which a development permit cannot be issued, as described in Sections 238-242 of the Municipal Government Act.

15.76 WIDTH means a horizontal distance measured parallel with the lot *frontage*.

15.77 YARD means an open, uncovered space on a lot appurtenant to a *structure* or a specified land use, and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used; and for greater certainty:

- i) FLANKAGE YARD means the side yard on a *corner lot*, which side yard extends from the front yard to the rear yard between the flankage lot line and the main wall of any *building* or *structure*.
- ii) FRONT YARD means a yard extending across the full *width* of a lot between the front lot line and the nearest main wall of any *building* or *structure* on the lot; and "minimum" front yard means the minimum depth of a front yard between the front lot line and the main wall of any *building* or *structure*.
- iii) REAR YARD means a yard extending across the full *width* of a lot between the rear lot line and the nearest main wall of any main *building* or *structure* on the lot; and "minimum" rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the main wall of any *building* or *structure*.
- iv) SIDE YARD means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any *building* or *structure* on a lot; and "minimum" side yard means the minimum *width* of a side yard between a side lot line and the main wall of any *building* or *structure*.
- v) ABUTTING YARD means a yard which includes or touches a *zone* boundary.

15.78 ZONE means a specified area of land shown on Schedule "A" of this by-law and more particularly referred to in Part 3 of this by-law.

Listings of **Development Agreements in Effect** and **Registered Heritage Properties** are available on the Town website or upon request from Town Hall.